

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Civil Action No.: 004-105150JLT

<u>PAN AMERICAN AIRWAYS CORP.,</u>)
Plaintiff/Counterclaim Defendant,)
vs.)
)
ROBERT E. BARNES,)
<u>Defendant/Counterclaim Plaintiff.</u>)

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE
FOR A PRE-TRIAL RULING AS TO CHOICE OF LAW TO BE APPLIED
TO PLAINTIFF'S CLAIMS AND DEFENDANT'S COUNTERCLAIM**

NOW COMES the plaintiff in opposition to the defendant's motion in limine and states as follows:

1. Plaintiff incorporates by reference the contents of its Motion in Limine for a Pre-Trial Ruling as to Choice of Law to be Applied to Plaintiff's Claims and Defendant's Counterclaims in opposition to the defendant's motion in limine.

WHEREFORE, the plaintiff respectfully requests that this Honorable Court deny defendant's motion in limine and allow the plaintiff's motion in limine that is referenced herein.

The Plaintiff/Counterclaim Defendant,
By its attorney,

/s/ John J. O'Brien, Jr.
John J. O'Brien, Jr.
BBO# 375885
O'Brien & von Rosenvinge, P. C.
27 Mica Lane, Suite 202
Wellesley, MA 02481
(781) 239-9988

DATED: September 14, 2006

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the plaintiff/counterclaim defendant hereby certify that on this date a true copy was forwarded by electronic message to the following counsel of record:

Peter Piel, Esq.
800 Turnpike Street
Suite 300
North Andover, MA 01845

DATED: September 14, 2006

/s/ John J. O'Brien, Jr.

John J. O'Brien, Jr.